

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

Civil Action No. 5:12-cv-00714-D

LOUSHONDA MYERS, et al.,	)	
Plaintiffs,	)	
	)	
v.	)	MOTION TO STRIKE AND DISMISS
	)	
THE STATE OF NORTH	)	(Fed. R. Civ. P. 11, 12(b)(6))
CAROLINA, et al.,	)	
Defendants.	)	

NOW COME Defendants The State of North Carolina, Magistrate Keith Underwood, Magistrate/Judge Bethany Hale, Magistrate/Judge Walter Stanley, Susan Doyle, Adren Harris, North Carolina Court System, Office of Indigent Defense Services, Johnston County Public Defender's Office, and Johnston County District Attorney's Office, in their official and individual capacities, by and through Roy Cooper, Attorney General, and Grady L. Balentine, Jr., Special Deputy Attorney General, for the purpose of moving to strike, pursuant to Rule 11 of the Federal Rules of Civil Procedure, all references to the minor children as plaintiffs and all claims raised on their behalf, and to dismiss the remaining claims against these defendants pursuant to Rules 12(b)(6) of the Federal Rules of Civil Procedure, in that Plaintiffs' claims are barred by the Eleventh Amendment, judicial immunity, prosecutorial immunity, and Plaintiffs' failure to state a claim, as more fully set forth in the memorandum of law filed herewith.

Respectfully submitted this 28th day of December, 2012.

ROY COOPER  
Attorney General

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Stanley, Doyle, Harris, North Carolina  
Court System, Office of Indigent Defense  
Services, Johnston County Public  
Defender's Office, and Johnston County  
District Attorney's Office

## CERTIFICATE OF FILING AND SERVICE

This is to certify that the undersigned has this day electronically filed the foregoing MOTION TO STRIKE AND DISMISS ON BEHALF OF DEFENDANTS THE STATE OF NORTH CAROLINA, UNDERWOOD, HALE, STANLEY, DOYLE, HARRIS, NORTH CAROLINA COURT SYSTEM, OFFICE OF INDIGENT DEFENSE SERVICES, JOHNSTON COUNTY PUBLIC DEFENDER'S OFFICE, JOHNSTON COUNTY DISTRICT ATTORNEY'S OFFICE using the CM/ECF system which will send notification of such filing to the parties of record who participate in the CM/ECF system as follows:

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The undersigned further certifies that he served the following non CM/ECF participants by depositing a copy of same with the United States Postal Service, first-class postage prepaid, and addressed as follows:

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*Pro se plaintiffs*

This the 28th day of December, 2012.

/s/ Grady L. Balentine, Jr.  
Special Deputy Attorney General